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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,597	01/15/2002	Shunpei Yamazaki	07977-290001/US5432	4657
26171	7590	03/24/2004	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			DOLAN, JENNIFER M	
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/050,597	Applicant(s) YAMAZAKI ET AL.	
	Examiner Jennifer M. Dolan	Art Unit 2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24-30, 32-38 and 40-68 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-22, 24-30, 32-38 and 40-68 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,490,014 to Ohtani et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

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inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding the claims, Ohtani discloses a light emitting device comprising: a TFT over a substrate (figures 3E, 11D), an interlayer insulating film (17) over the TFT; a pixel electrode (25) over the interlayer insulating film; and a capacitor storage (from 23 and 19) over the interlayer insulating film (column 5, lines 45-52), wherein the capacitor has a connection wiring line (19), a capacitance wiring line (23) and an insulating film (20) between the two, wherein the connection wiring line is connected to a source/drain of the TFT (figures 3E, 11D), and wherein the connection wiring line overlaps an active region of the TFT (figure 11D).

4. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,495,886 to Yamazaki et al.

The applied reference has a common assignee and one common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1 and 5, Yamazaki discloses a light emitting device comprising: a TFT (figures 7 and 9); an interlayer insulating film over the TFT (figures 7 and 9); a pixel electrode (705, 903) over the interlayer insulating film; a capacitor storage comprising a connection wiring line (703,902), a capacitance wiring line (702,901), and an insulating film between the two

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(figures 7 and 9), all formed over the interlayer insulating film; wherein the connection wiring line is connected to a source/drain of the TFT (figures 7 and 9), and wherein the connection wiring line overlaps an active layer of the TFT (figure 9).

Regarding claims 4 and 8, Yamazaki discloses that the appliance includes cell phones, digital cameras, etc. (figures 12A-12F).

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,323,918 to Yoshioka et al.

Yoshioka discloses a light emitting device comprising: a TFT over a substrate (figure 11); an interlayer insulating film (15) over the TFT; a pixel electrode (20) over the interlayer insulating film; and a capacitor comprising a connection wiring line (16a), a capacitance wiring line (18) and an insulating film (17) between the two, wherein the connection wiring line is connected to a source/drain of the TFT (figure 11; column 7, lines 50-56); and wherein the connection wiring line overlaps an active layer of the TFT (figures 10 and 11).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al. in view of U.S. Patent No. 6,121,652 to Suzawa.

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Yoshioka fails to disclose that the insulating films are formed by anodization.

Suzawa discloses that the insulating films (layer above 417) between the storage capacitor lines can be formed by anodization (column 2, lines 52-58; column 8, lines 31-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the insulating film of Yoshioka, so that it is an anodic insulator, as taught by Suzawa. The rationale is as follows: A person having ordinary skill in the art would have been motivated to use an anodic oxide, because doing so simplifies the fabrication procedure by eliminating the need for depositing a separate dielectric layer.

8. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka in view of U.S. Patent No. 5,747,830 to Okita.

Yoshioka discloses that the device is part of a LCD display, but fails to specify an appliance in which the display is used.

Okita discloses an LCD display similar to that of Yoshioka, and further specifies that the display can be used in notebook and mobile computers (column 5, lines 20-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the LCD display of Yoshioka is used in a mobile computer, as suggested by Okita. The rationale is as follows: A person having ordinary skill in the art would have been motivated to use the display in a mobile computer, because Okita shows that an LCD display panel is commonly used and is suitable for use in a mobile computer (see Okita, column 5, lines 18-26). Since the LCD display of Yoshioka and the LCD display of Okita are substantially similar, and since LCD displays are commonly used in portable computers, it is

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well within the purview of a person skilled in the art to use the LCD display of Yoshioka in a portable computer.

Allowable Subject Matter

9. Claims 9- 22, 24-30, 32-38, and 40-68 are allowed.
10. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new grounds of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,815,226 to Yamazaki et al. discloses a display structure comprising two storage capacitors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Dolan whose telephone number is (571) 272-1690. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer M. Dolan
Examiner
Art Unit 2813

jmd


CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800